

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 18, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARC F.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:19-CV-03277-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF No. 17, 21

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 21, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Maren Miller Bam represents Plaintiff. Attorney Jordan

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 Goddard represents Defendant. The parties have consented to proceed before a
2 magistrate judge. ECF No. 7.

3 After consideration, **IT IS HEREBY ORDERED** that:

4 1. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**.

5 2. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 On remand, the parties stipulate that the ALJ will:

- 9 (1) Take any necessary steps to develop the record;
10 (2) Offer Plaintiff the opportunity for a new hearing;
11 (3) Reevaluate the medical opinion evidence, including but not limited to the
opinions by Dr. Wise, Dr. Dalton, and Dr. Staley.
12 (4) Reevaluate the third-party statements and Plaintiff's symptoms
complaints;
13 (5) Consider whether Plaintiff meets or equals Listing 11.04b and, in the
alternative, reassess Plaintiff's residual functional capacity and whether
14 there are jobs Plaintiff could still perform despite his limitations;
15 (6) Proceed with the remaining steps of the sequential evaluation process,
obtaining additional medical expert or vocational expert testimony, as
necessary; and
16 (7) Issue a new decision.

17 ECF No. 21 at 2.

18 3. Judgment shall be entered for **PLAINTIFF**.

19 4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN**
AS MOOT.

1 5. Upon proper presentation, this Court consider Plaintiff's application for
2 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

3 The District Court Executive is directed to enter this Order, **enter**
4 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

5 DATED May 18, 2020.

6 s/Mary K. Dimke
7 MARY K. DIMKE
8 UNITED STATES MAGISTRATE JUDGE
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